

## REMARKS

In the Notice of Non-Compliant Amendment (37 C.F.R. § 1.121) dated March 14, 2002, the Examiner provided that "claims inclusive of Claim(s) 39-42, 44-70, 73-85, and 87-91, filed 3/2/01, 4/20/01, 9/17/01, 1/3/02, fails to comply with the provisions of 37 C.F.R. § 1.121." Examiner implicitly provides that Claims 43, 71-72, 86, 92 and 95 are formal and currently under consideration, and these claims are attached as Appendix A for Examiner's reference. The Examiner has previously indicated that, but for the informalities corrected herein, claims 39-92 and 95 are allowable.

This Supplemental Reply and Amendment is intended to be completely responsive to the Notice of Non-Compliant Amendment dated March 14, 2002. By this Supplemental Reply and Amendment, Claims 39-92 and 95 meet the requirements of 37 C.F.R. §§ 1.121(h) and 1.173 and are believed to be in condition for allowance. Furthermore, Table 1 below provides the status of all claims under 37 C.F.R. § 1.173(c) and amendments relative to patent under 37 C.F.R. § 1.173(g).

### TABLE 1

Claim(s)	Status	Corresponding claim in '486 patent	Exemplary Support for claim
1-38	Cancelled	N/A	N/A
39	New/Pending	1	Col. 3, ll. 44-47 and FIGURE 2
40	New/Pending	2	Claim 2 as originally presented
41	New/Pending	3	Claim 3 as originally presented
42	New/Pending	4	Claim 4 as originally presented
43	New/Pending	5	Claim 5 as originally presented
44	New/Pending	6	Claim 6 as originally presented
45	New/Pending	7	Claim 7 as originally presented
46	New/Pending	N/A	Col. 2, l. 67 through col. 4, l. 1
47	New/Pending	N/A	Col. 2, ll. 54-56
48	New/Pending	N/A	Col. 3, ll. 54-56
49	New/Pending	N/A	Col. 4, ll. 44-50
50	New/Pending	N/A	Col. 4, ll. 44-50
51	New/Pending	N/A	Col. 3, ll. 47-53
52	New/Pending	N/A	Col. 3, ll. 44-47
53	New/Pending	N/A	Col. 4, ll. 44-50
54	New/Pending	N/A	Col. 3, ll. 18-21 and FIGURE 2
55	New/Pending	N/A	Col. 5, ll. 29-31 and FIGURE 8
56	New/Pending	N/A	Col. 5, ll. 1-7 and FIGURE 7
57	New/Pending	8	Claim 8 as originally presented; Col. 2, ll. 53-56; and FIGURE 2
58	New/Pending	9	Claim 9 as originally presented
59	New/Pending	10	Claim 10 as originally presented
60	New/Pending	11	Claim 11 as originally presented
61	New/Pending	12	Claim 12 as originally presented

Claim(s)	Status	Corresponding claim in '486 patent	Exemplary Support for claim
62	New/Pending	13	Claim 13 as originally presented
63	New/Pending	N/A	Col. 3, ll. 44-46 and FIGURE 2
64	New/Pending	N/A	Col. 5, ll. 1-7 and FIGURE 7
65	New/Pending	N/A	Col. 3, ll. 44-46
66	New/Pending	N/A	Col. 2, ll. 54-56
67	New/Pending	N/A	Col. 2, ll. 54-56
68	New/Pending	N/A	Col. 3, ll. 44-46 and FIGURE 2
69	New/Pending	N/A	Col. 4, ll. 44-50
70	New/Pending	N/A	Col. 4, ll. 44-50
71	New/Pending	14	Claim 14 as originally presented
72	New/Pending	15	Claim 15 as originally presented
73	New/Pending	16	Claim 16 as originally presented
74	New/Pending	17	Claim 17 as originally presented
75	New/Pending	18	Claim 18 as originally presented
76	New/Pending	19	Claim 19 as originally presented; Col. 2, l. 21, Col. 3, ll. 66-67; and FIGURES 4 and 6
77	New/Pending	20	Claim 20 as originally presented
78	New/Pending	N/A	Col. 3, ll. 18-21 and FIGURE 2
79	New/Pending	N/A	Col. 3, ll. 44-46 and FIGURE 2
80	New/Pending	N/A	Col. 2, ll. 54-56
81	New/Pending	N/A	Col. 4, ll. 3-5 and FIGURE 2
82	New/Pending	N/A	Col. 2, ll. 54-56
83	New/Pending	N/A	Col. 4, ll. 44-50
84	New/Pending	N/A	Col. 4, ll. 44-50
85	New/Pending	N/A	Col. 5, ll. 47-57 and FIGURE 8
86	New/Pending	N/A	Col. 5, ll. 47-57 and FIGURE 8
87	New/Pending	N/A	Col. 5, ll. 29-30 and FIGURE 8
88	New/Pending	N/A	Col. 3, l. 65 through col. 4, l. 1
89	New/Pending	N/A	Col. 5, ll. 3-6 and FIGURE 7
90	New/Pending	N/A	Col. 5, ll. 3-6 and FIGURE 7
91	New/Pending	N/A	Col. 5, ll. 29-31 and FIGURE 8
92	New/Pending	N/A	Claim 1 as originally presented
93	New/Pending	N/A	Cancelled
94	New/Pending	N/A	Cancelled
95	New/Pending	N/A	Col. 3, l. 65 through col. 4, l. 1

Should the Examiner have any questions or concerns regarding this application, Examiner is invited to contact the undersigned attorney.

Respectfully submitted,

Date

April 3, 2007

By

Jason E. Pauls

FOLEY & LARDNER

Firststar Center

777 East Wisconsin Avenue

Milwaukee, Wisconsin 53202-5367

Telephone: (414) 297-5664

Facsimile: (414) 297-4900

Jason E. Pauls

Attorney for Applicant

Registration No. 45,651

## APPENDIX A

43. (Once Amended) The makeup container of claim 39, wherein the housing comprises an outer body coupled about the cover piece and the base piece, wherein the outer body includes a cavity, the cavity allowing expansion of the cover piece or the base piece.

71. (Once Amended) A makeup case for holding a cosmetic substance, the case including a cover and a base, the cover being movable to an open position and to a closed position, an improvement comprising:

a hermetic seal when the cover is in the closed position whereby the seal maintains the cover in the closed position;

an outer body configured for retaining the cover and the base within the body.

72. (Once Amended) The makeup case of claim 71, wherein the seal comprises a groove associated with the cover and a peripheral rim associated with the base, the rim being received in the groove when the cover is in the closed position.

86. (Once Amended) The compact of claim 85, wherein at least one of the sealing surfaces comprises a wall.

92. (Once Amended) A container for storing cosmetics comprising:  
base means for providing a base;  
cover means for providing a cover selectively positionable between a first position and a second position relative to the base means;  
seal means for forming a hermetic seal between the cover means and the base means wherein the seal means comprises:

a curved rim extending from one of the cover means or the base means and a groove configured for receiving the rim disposed between a first wall and a second wall extending from one of the cover means or the base means;

a housing configured for retaining the base means and the cover means;

wherein the hermetic seal is formed when the cover means is in the first position.

95. (Once Amended) The container of claim 92, wherein the seal means comprises an insert.